

RECEIVED IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

2006 JAN 18 P 4:20
UNITED STATES OF AMERICA, :
DEBRA P. HACKETT, CLERK :
U.S. DISTRICT COURT :
MIDDLE DISTRICT ALA. :
v. : CIVIL ACTION NO. 3:06cv53-T
TEN FIREARMS AND :
VARIOUS AMMUNITION, :
DEFENDANT. :

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, in a civil cause of forfeiture in rem respectfully alleges as follows:

JURISDICTION AND INTRODUCTION

1. Jurisdiction over this In Rem proceeding is predicated upon Title 28, United States Code, Section 1345 and 1355 and Title 18, United States Code, Section 924(d).

2. Venue over this matter is predicated upon Title 28, United States Code, Section 1395.

3. The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), has requested the institution of this civil forfeiture proceeding against the following Defendant firearms and ammunition ("Defendants"):

a. NEW ENGLAND, Model Pardner-Model SBI (12 Gauge) Shotgun, SN: NH506837;

- b. ARMSCORP OF THE PHILIPPINES (SQUIRES BINGHAM), Model 20 (.22 Caliber) Rifle, SN: 251075;
- c. MARLIN FIREARMS COMPANY, Model 336RC (.30-30 Caliber) Rifle, SN: P7119;
- d. REMINGTON ARMS COMPANY, INC., Model 511 (.22 Caliber) Rifle;
- e. SAVAGE ARMS INC., Model 77C (12 Gauge) Shotgun;
- f. WINCHESTER, Model 37 (.410 Gauge) Shotgun;
- g. SAVAGE ARMS INC., Model 87A (.22 Caliber) Rifle;
- h. RANGER ARMS, INC., Model Precision 1043 (12 Gauge) Shotgun, SN: 168000;
- i. WINCHESTER, Model 94 (.30-30 Caliber) Rifle, SN: 3816832;
- j. MOSSBERT, Model 500 E (.410 Gauge) Shotgun, SN: P799115;
- k. 1 Each Unknown Manufactured Assorted Ammunition Rounds (102 ROUNDS).

4. ATF commenced an administrative forfeiture proceeding against the Defendants. Alfred Bryant ("Bryant") filed a claim therein. As a result of Bryant's claim, the United States is required to file this civil forfeiture action.

5. The Defendants are subject to forfeiture to the United States under Title 18, United States Code, Section 924(d)(1).

FORFEITURE COUNT

6. Paragraphs 1 through 5 above are alleged and made applicable to this forfeiture count as if fully set forth herein.

7. The Defendants were seized from Bryant at his residence in Macon County, Alabama during execution of a search warrant. Also seized at the residence at that time was marijuana and scales. Two firearms were near marijuana packaged for sale. Bryant admitted to selling marijuana for about a year's time frame. Title 18, United States Code, Section 924(c)(1)(A) prohibits persons using or carrying a firearm during and in relation to any drug trafficking crime for which the person may be prosecuted in a court of the United States, or possession of a firearm in furtherance of any such crime.

8. Bryant had dominion and control over the residence from which the Defendants were seized and had access to the entire residence.

9. Bryant is prohibited from possession of firearms and ammunition by reason of his violation of Title 18, United States Code, Section 924(c)(1)(A). Bryant's actual or constructive possession of the Defendants makes the Defendants subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1).

WHEREFORE, the United States of America requests that the Court issue a Warrant and Summons for the arrest and seizure of the Defendants; that notice of this action be given to all persons known or thought to have an interest in or right against the Defendants; that the Defendants be forfeited and condemned to the

United States of America; that the United States of America be awarded its costs and disbursements in this action; and, for such other and further relief as this Court deems proper and just.

Respectfully submitted this the 17th day of January, 2006.

FOR THE UNITED STATES ATTORNEY

LEURA G. CANARY


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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

VERIFICATION

I, Dwight Brown, declare under penalty of perjury that I am a Special Agent with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, that I have read the foregoing Verified Complaint and know the contents thereof, and that the matters contained in the Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct on this 18th day of January, 2006.

Dwight Brown

Dwight Brown, Special Agent
United States Bureau of Alcohol,
Tobacco, Firearms and Explosives

Sworn to and subscribed before me this the 18th day of January, 2006.

Dwight Brown
Notary Public
Commission Expires: 9.23.09